

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MISSY CHASE LAPINE and THE SNEAKY CHEF, INC.,	x : : : :
Plaintiffs,	: : : : :
v.	: <u>ORAL ARGUMENT REQUESTED</u>
JESSICA SEINFELD, JERRY SEINFELD, HARPERCOLLINS PUBLISHERS, INC., and DEPARTURE PRODUCTIONS, LLC,	: 08-CV-128 (LTS) (RLE) : : :
Defendants.	: : :

x

**NOTICE OF MOTION OF DEFENDANT JERRY SEINFELD
IN SUPPORT OF HIS MOTION TO DISMISS
THE SIXTH CLAIM OF THE FIRST AMENDED COMPLAINT**

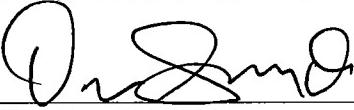
PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Jerry Seinfeld's Motion to Dismiss the Sixth Claim of the First Amended Complaint, dated June 17, 2008, and all other papers served or filed herein, Defendant Jerry Seinfeld, by his undersigned attorneys, will move this Court, in the Courtroom of the Honorable Laura T. Swain, United States Judge, United States Courthouse, 500 Pearl Street, Courtroom 17C, New York, 10007, at a time and date to be determined by the Court, for an order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing the Sixth Claim of the First Amended Complaint.

PLEASE TAKE FURTHER NOTICE that Defendant Jerry Seinfeld, through his undersigned attorneys, has made his best efforts to resolve informally the matters raised in this submission, including through the exchange of letters and telephone calls with Howard Miller, Esq., counsel for Plaintiffs.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order entered by this Court on May 30, 2008 as docket number 35, answering papers, if any, are to be served on or before August 7, 2008, and reply papers, if any, are to be served on or before August 27, 2008.

DATED: New York, New York
June 17, 2008

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